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Consideration of reports submitted by States parties under article 19 of the Convention

Second periodic report of States parties due in 2010

Saudi Arabia*, **

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Introduction

The Kingdom of Saudi Arabia presents to the distinguished Committee against Torture its second periodic report, covering the period 2002–2012, under article 19, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Kingdom acceded pursuant to Royal Decree No. M/11 of A.H. 1418 (A.D. 1997).

Through this report, the Kingdom seeks to give an accurate and transparent picture of the implementation of the Convention and the success achieved in promoting it in practice.

The initial report submitted by the Kingdom is an integral part of the present report.

Methodology for the preparation of the report

This report was prepared by a national committee composed of all the government entities involved in the areas covered by the Convention, specifically the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, the Ministry of Higher Education, the Ministry of Education, the Ministry of Health, the Ministry of Labour, the Ministry of Social Affairs, the Board of Grievances, the Bureau of Investigation and Public Prosecution, the Control and Investigation Board, and the Human Rights Commission, working in consultation with civil society organizations, including the National Society for Human Rights and the National Family Safety Programme.

In preparing this report, the committee took care to comply with the reporting guidelines adopted by the Committee against Torture, list the laws and regulations relevant to the implementation of the Convention and present every aspect in an objective and transparent manner.

The report is divided into three main parts:

Part I: Legal framework for the protection of human rights in the Kingdom

Part II: Information on measures and developments relating to the implementation of the Convention and the application of its provisions in the Kingdom

Part III: Comments on the recommendations made by the Committee following its consideration of the Kingdom's previous report

Part I

A. Legal framework for the protection of human rights in the Kingdom

1. The Kingdom of Saudi Arabia has promoted and protected human rights through the promulgation of several new laws and the amendment of existing laws, in a manner consistent with the obligations ensuing from its accession to various international conventions, in order to take account of recent developments. These new and amended laws incorporate constructive additions needed to supplement the legislative and regulatory structure and ensure the enjoyment of human rights through, inter alia, the achievement of equality and measures to combat differentiation and discrimination. In this connection, reference can be made to the laws set out below.

Judiciary Act

2. Promulgated in A.H. 1428 (A.D. 2008), this Act has a bearing on the development of the justice system insofar as it is the cornerstone for ensuring justice. It sets out the guarantees prescribed for seeking judicial remedy, streamlines the mandates and hierarchy of the courts and provides for the establishment of a supreme court.

Board of Grievances Act

3. Promulgated in A.H. 1428 (A.D. 2007) as a new law governing the Board of Grievances (the administrative judiciary), this Act determines the composition of the Board and the Administrative Judicial Council and divides the Board's courts into administrative courts, administrative appeal courts and a high administrative court. It sets out the functions of each of these courts and the rules governing the appointment and ranking of the Board's judges.

Code of Sharia Procedure

4. Promulgated in A.H. 1421 (A.D. 2000), this Code strengthens the most important principles of justice and the administration of justice for all parties in court proceedings. It regulates the powers of judges in their dealings with those parties and sets out the jurisdiction of the courts to examine cases, the procedures for bringing and filing proceedings, rules relating to the presence or absence of parties to proceedings, and procedures for the conduct of hearings. It expressly provides that hearings must be conducted in public and determines the circumstances in which a judge must recuse himself so as to ensure that all parties to a case are treated impartially and alike.

Code of Criminal Procedure

5. Promulgated in A.H. 1422 (A.D. 2001), this Code is a central piece of justice legislation, directly concerned as it is with all-important human rights-related issues and measures, from arrest to trial, laying down comprehensive safeguards for protecting the rights of suspects and prohibiting all forms of torture, physical and moral harm, and the subjection of accused persons to degrading treatment. It provides for the invalidation of any procedure contrary to its provisions and for the right of an accused person, in the event of acquittal, to compensation for any physical or moral harm to which he was subjected.

Code of Practice for Lawyers

6. Promulgated in A.H. 1422 (A.D. 2001), this Code defines the professional practice of law, its aims in serving justice, the conditions of practice, and the rights and duties of lawyers with respect to the administration of justice.

Code of Practice for Health Professionals

7. Promulgated in A.H. 1426 (A.D. 2005), this Code requires health practitioners to exercise their profession in a manner that guarantees respect for the right to life and safeguards the integrity and dignity of the individual. It sets out the procedure for obtaining a licence to practise, determines the professional responsibility of health practitioners, and identifies the authorities competent to investigate and prosecute when that responsibility is breached.

Suppression of Trafficking in Persons Act

8. Promulgated in A.H. 1430 (A.D. 2009), this Code is a major piece of domestic legislation, representing as it does the legal framework for dealing with matters relating to the offence of trafficking in persons.

Labour Code

9. Promulgated in A.H. 1426 (A.D. 2005), this Code contains provisions safeguarding the rights of workers and makes no distinction between Saudi and non-Saudi workers or between males and females. Numerous decisions have also been promulgated to enhance protection of the workers' rights set forth in the Code, including decisions to: suspend access to computer services to any enterprise or individual having violated the provisions of the Labour Code and decisions promulgated pursuant thereto; prohibit the employment of workers in the outdoor sun from 12 p.m. to 3 p.m. between 1 July and the end of August of each year; and introduce the wages protection programme, an online database, developed by the Ministry of Labour and the Saudi Arabian Monetary Agency, for providing continually updated information on payroll transactions in the private sector that enables the Ministry to monitor employers' compliance with the requirement to pay workers promptly and correctly. In A.H. 1434 (A.D. 2013), moreover, regulations governing the employment of domestic workers and the like were issued, setting out the obligations of both employers and workers and covering terms of employment, remuneration, working hours, leave and penalties for any breaches of contract committed by employers.

Disability Care Act

10. Promulgated in A.H. 1421 (A.D. 2000), this Act governs the right of persons with disabilities to benefit from prevention, care and rehabilitation services and comprises numerous provisions designed to improve the health-care services provided to those persons.

Protection from Harm Act

11. Promulgated in A.H. 1434 (A.D. 2013), this Act is aimed at guaranteeing protection for all vulnerable groups at potential risk of harm, particularly women and children, and the establishment of national protection mechanisms for such groups.

Child Protection Bill

12. Presently under consideration by the concerned authorities in the Kingdom, this Bill is primarily intended to reaffirm the provisions of Islamic sharia and the international conventions to which the Kingdom is a party with respect to the protection of children from all forms of abuse and neglect, provision of the requisite care for such children, awareness-raising of the rights of the child and their definition, and the imposition of penalties for anyone violating those rights.

B. International human rights instruments acceded to by the Kingdom

13. The Kingdom was among the States that took part in drafting the Universal Declaration of Human Rights, and it has acceded to various international human rights instruments, including the:

- International Convention on the Elimination of all Forms of Racial Discrimination, to which it acceded in A.H. 1418 (A.D. 1997);
- Convention on the Elimination of All Forms of Discrimination against Women, to which it acceded in A.H. 1421 (A.D. 2000);
- Convention on the Rights of the Child, to which it acceded in A.H. 1416 (A.D. 1995);

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to which it acceded in A.H. 1431 (A.D. 2010);
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to which it acceded in A.H. 1431 (A.D. 2010);
- Convention on the Rights of Persons with Disabilities and its Optional Protocol, to which it acceded in A.H. 1429 (A.D. 2008);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the subject of this report);
- United Nations Convention against Corruption, to which it acceded in A.H. 1434 (A.D. 2013);
- United Nations Convention against Transnational Organized Crime, to which it acceded in A.H. 1425 (A.D. 2004);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, to which it acceded in A.H. 1428 (A.D. 2007).

14. The Kingdom is also a party to several regional, Arab and Islamic instruments, including the:

- Cairo Declaration on Human Rights in Islam – 1990;
- Arab Charter on Human Rights – A.H. 1430 (A.D. 2009);
- Riyadh Declaration on Human Rights in Peace and War – 2003;
- Abu Dhabi Declaration on a uniform law to combat trafficking in persons in the Arab States of the Gulf Cooperation Council (as a model law for a four-year period as from A.H. 1430 (A.D. 2009));
- Covenant on the Rights of the Child in Islam – 2005.

C. Newly established national mechanisms (organs) for the promotion and protection of human rights

Human Rights Commission

15. Established in A.H. 1426 (A.D. 2005) by a decision of the Council of Ministers, the Commission was vested with substantial powers, pursuant to its statute, for promoting and protecting human rights in accordance with international human rights standards, increasing human rights awareness, and contributing to ensuring the realization of human rights as provided for in Islamic sharia. It is the governmental body competent to give opinions and advice on human rights matters and it enjoys full independence in the performance of its statutory functions, which include:

- Ascertaining that current laws and regulations on human rights are being implemented by concerned governmental bodies, and investigating wrongdoings constituting human rights violations;
- Giving opinions on bills on human rights;
- Monitoring governmental bodies to ascertain that, within their respective areas of competence, they apply the international human rights instruments ratified by the Kingdom and take the necessary implementation measures;

- Visiting prisons and places of detention at any time, without requiring permission from the competent authority, and reporting back to the Prime Minister;
- Receiving complaints about human rights issues, ascertaining their veracity and taking statutory action thereon;
- Making general policy for the development of human rights awareness.

In exercising these functions, the Commission has effectively contributed to the promotion of human rights. Furthermore desiring to coordinate the general human rights policy, it has elaborated a national strategy for the protection and promotion of human rights and the dissemination of a human rights culture, covering education, training and comprehensive awareness-raising activities.

National Society for Human Rights

16. Established in A.H. 1425 (A.D. 2004), the country's National Society for Human Rights comprises 41 members, both men and women, enjoys financial and administrative autonomy and is not subject to any government supervision or control. Its statute provides that its objectives are to work for the protection of human rights, in accordance with the Basic Law of Governance, current laws and human rights instruments, and to cooperate with international human rights organizations.

King Abdul Aziz Centre for National Dialogue

17. The Centre was established in A.H. 1424 (A.D. 2003) with the aim of providing an enabling environment for national dialogue among all segments of society, promoting the concept of dialogue and respect for others in keeping with the national interest, and establishing good relations among social groups with differing views.

18. Functions undertaken by the Centre include those of establishing the concept and etiquette of social dialogue as a way of life and a means of dealing with any issue; strengthening the role of civil society organizations so as to achieve justice, equality and freedom of expression within the framework of Islamic sharia; and promoting channels for communication and dialogue with institutions and individuals abroad.

19. The Centre has convened several dialogue sessions at which myriad issues of interest to society were discussed, including matters relating to women, education and work.

National Anti-Corruption Commission

20. The Commission was established in A.H. 1432 (A.D. 2011) with the aim of protecting integrity and combating financial and administrative corruption in all its forms and manifestations. In this regard, it exercises a number of functions, including those of:

- Following up the implementation of orders and directives relating to the public interest of citizens in order to ensure compliance therewith;
- Referring to the control or investigation authorities, as the case may be, disputes and wrongdoings relating to identified cases of financial and administrative corruption;
- Monitoring the extent to which the concerned authorities apply the laws criminalizing financial and administrative corruption, and promoting the principle of the accountability of all persons, regardless of their status;
- Receiving reports of conduct involving corruption, ascertaining their veracity and taking the necessary action.

Committee on Trafficking in Persons

21. The Committee was established by a decision of the Council of Ministers in A.H. 1430 (A.D. 2009), is headquartered at the Commission on Human Rights and comprises representatives from the Ministries of the Interior, Foreign Affairs, Justice, Social Affairs, Labour, and Culture and Information, and from the Bureau of Investigation and Public Prosecution.

22. The Committee is a key national mechanism for the implementation of the Suppression of Trafficking in Persons Act, with functions that include:

- Following up the situation of victims to ensure that they are not subjected to further harm;
- Formulating a policy for actively seeking out victims and providing personnel training in victim identification;
- Coordinating with the competent authorities for returning victims to their place of origin in the country of which they are a national or, where requested, to their place of residence in any other country;
- Recommending that victims should remain in the Kingdom and, as required, regularizing their status so that they are able to work.

National Family Safety Programme

23. The Programme was established by royal order in A.H. 1426 (A.D. 2005) with the aim of preventing domestic violence through providing support and building professional partnerships with experts, governmental and non-governmental institutions and international organizations in order to provide within the Kingdom a safe family environment.

Part II
Information on measures and developments relating to the implementation of the Convention and the application of its provisions in the Kingdom

Article 1

24. The legal regime in the Kingdom of Saudi Arabia embraces the concept of torture set out in article 1 of the Convention, as all international instruments to which the Kingdom accedes are an integral part of domestic law and have the same authenticity, promulgated as they are by the same statutory device as laws, namely the royal decree, as stated in article 70 of the Basic Law of Governance, which provides that: "Laws, treaties, international conventions and concession agreements shall be promulgated and amended by royal decree." Paragraph 4 of the Royal Decree approving the Convention furthermore states that the Deputy Prime Minister and ministers, each within their jurisdiction, are to implement the Decree, which is underpinned by the stipulation in article 11, paragraph 1, that the competent authorities must take the necessary measures to implement the Convention, on its entry into force, so as to guarantee fulfilment of the Kingdom's ensuing obligations. Hence, the concept of torture set out in article 1 of the Convention is binding on all authorities in the Kingdom.

Article 2

25. The laws of the Kingdom of Saudi Arabia comprise various articles prohibiting all acts of torture and aiming to prevent their occurrence, as well as ensure that investigations are conducted and action taken concerning any reports of torture, under supervision of the competent judicial authority. In addition to the judicial, legislative and administrative measures detailed in the initial report, the Kingdom has adopted a number of further measures, established various organs and promulgated relevant laws, some of which are presented below.

26. Members of the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) enjoy full independence, in conformity with article 5 of the Bureau of Investigation and Public Prosecution Act (the Bureau Act), and perform the numerous functions of the Bureau, which include those of:

- Investigating and handling crimes, conducting prosecutions before judicial bodies and applying for the cassation of judgements;
- Visiting prisons and detention centres, in accordance with the provisions of articles 38 and 39 of the Code of Criminal Procedure, which entails inspecting accommodation wings, hearing complaints from prisoners and detainees and taking the measures required by law in the event of any identified violations of rights. In all, 119 branches and departments of the Bureau have been opened across the Kingdom to oversee application of the safeguards provided for in the Code of Criminal Procedure and monitor compliance therewith. Annex 1 provides information on the number of visits conducted by the Bureau to prisons and detention centres and annex 2 provides information on the number of cases investigated;
- Overseeing the enforcement of criminal judgements to ensure that they are executed in accordance with rules issued, current laws and international instruments. Annex 3 provides information on the number of judgements where enforcement was overseen by the Bureau;
- Supervising the activities of criminal investigation officers, article 25 of the Code of Criminal Procedure providing that: "Criminal investigation officers shall, in conducting their investigative duties as provided for in this Act, be subject to the supervision of the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions). The Bureau may call upon the competent authority to consider any breach of duty or omission on the part of an officer and request disciplinary action against him, without prejudice to the right to initiate criminal proceedings." All actions undertaken by criminal investigation officers are thus subject to supervision and monitoring by the Bureau of Investigation and Public Prosecution, the aim being to prevent any infringement of the rights, guarantees and rules laid down in law generally and in the Code of Criminal Procedure specifically, and to hold accountable any person who infringes those rights and guarantees.

27. Safeguards for suspects confronted by criminal investigation officers have been strengthened. Hence, a suspect may not be arrested, except in cases of flagrante delicto or on the basis of an order from the investigating authority. Article 35 of the Code of Criminal Procedure provides that: "In cases other than flagrante delicto, no person may be arrested or detained except by order of the competent authority. An arrested person shall be treated in a manner that preserves his dignity. He may not be subjected to physical or moral harm, must be informed of the grounds for his detention and has the right to communicate with a person of his choice in order to inform such person of his detention."

28. Suspects must also be referred to the investigating authority within 24 hours of their arrest, as provided in article 34 of the Code of Criminal Procedure, which states that: "The criminal investigation officer must immediately hear the statement of an arrested suspect. Where the innocence of the suspect is not established, the officer shall within 24 hours hand him over, together with his report, to the investigator, who must question him within 24 hours and thereafter order his detention or release."

29. Among other safeguards, it is prohibited for criminal investigation officers to carry out interrogations, article 65 of the Code of Criminal Procedure providing as it does that: "The investigator may designate in writing a criminal investigation officer to undertake one or more specific investigation procedures, excluding the interrogation of suspects."

30. Article 4 of the Code of Criminal Procedure also provides that: "Any accused person has the right to avail himself of the services of a representative or lawyer to defend him during the investigation and trial stages."

31. The rights of prisoners and detainees are amply protected; no administration of any prison or detention centre may consent to take in any accused person without a reasoned order, duly specifying the duration of the period of detention. Signed by the competent authority, no person may remain in detention after the specified period, nor may a person be imprisoned or detained in a place other than a designated custodial facility. Article 36 of the Code of Criminal Procedure provides that: "No person may be detained or imprisoned except in prisons or detention centres designated for that purpose by law. No administration of any prison or detention centre may consent to take in any person except pursuant to a reasoned order, duly specifying the duration of the detention. Signed by the competent authority, no persons may be kept in detention after the period specified in the order."

32. The statute of the Human Rights Commission provides, in article 5, paragraphs 6 and 7, that the Commission may organize visits to prisons and detention centres at any time, without authorization from the competent authority, and report back to the Prime Minister. The Commission is also competent to receive and investigate human rights complaints and take statutory action thereon. Annex 4 provides information on the number of visits conducted by the Commission to prisons and detention centres.

33. The Commission has also established a specialist unit, staffed by its expert personnel, who attend trial hearings in order to monitor compliance with the safeguards for accused persons. Members of the unit have attended hearings in several of the Kingdom's courts to ensure that international human rights standards are being met. Annex 5 provides information on the number of trials attended by members of the unit.

34. Article 2 of the Suppression of Trafficking in Persons Act provides that: "Trafficking in persons is prohibited in all its forms, including those involving coercion, threat, fraud, deception, abduction, exploitation of office or influence, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits, to achieve the consent of a person having control over another person for the purpose of sexual abuse, forced labour or services, begging, slavery or practices similar to slavery, servitude, the removal of organs or the conduct of medical experimentation." In accordance with the provisions of this Act, a committee on trafficking in persons was formed, with a membership comprising experts from concerned entities, to perform various functions, including those of:

- Following up the situation of victims to ensure that they are not subjected to further harm;
- Formulating a policy for actively seeking out victims and providing personnel training in victim identification;

- Coordinating with the competent authorities for returning victims to their place of origin in the country of which they are a national or, where requested, to their place of residence in any other country;

- Recommending that a victim should remain in the Kingdom and regularize his status so that he is able to work, as required.

35. The objective of the National Anti-Corruption Commission is to protect integrity and combat financial and administrative corruption in all its forms and manifestations. Pursuant to article 3 of its regulations, it is competent to undertake various functions, in particular those of:

- Following up the implementation of orders and directives relating to the public interest of citizens in order to ensure compliance therewith;

- Referring to the control or investigation authorities, as the case may be, disputes and wrongdoings relating to identified cases of financial and administrative corruption;

- Monitoring the extent to which the concerned authorities apply the laws criminalizing financial and administrative corruption, and promoting the principle of the accountability of all persons, regardless of their status;

- Receiving reports of conduct involving corruption, ascertaining their veracity and taking the necessary action.

36. Members of the National Society for Human Rights, a civil society organization, visit the country's prisons and detention centres, interview prisoners and detainees and hear their complaints, including complaints relating to torture. Annex 6 comprises statistical data on the visits conducted by this Society.

37. The National Family Safety Programme was established with the aim of preventing domestic violence through providing support and building professional partnerships with experts, governmental and non-governmental institutions and international organizations in order to provide within the Kingdom a safe family environment.

38. As referred to earlier, the Kingdom of Saudi Arabia modernized the judicial system in A.H. 1428 (A.D. 2007) with the promulgation of a law on the judiciary and a law on the Board of Grievances (the administrative judiciary), both of which enshrine a number of principles, in particular as follows:

- The independence and impartiality of the judiciary is assured, article 1 of the Judiciary Act providing that: "Judges shall be independent and, in their administration of justice, shall be subject to no authority other than that of the provisions of Islamic sharia and the laws in force. No one may interfere with the administration of justice";

- There are three levels of proceedings; article 9 of the Judiciary Act provides that the courts consist in the following: (1) The Supreme Court; (2) Appeal courts; (3) First-instance courts, which are composed of special courts, namely general courts, summary courts, personal status courts, commercial courts and labour courts. The Supreme Judicial Council may create other special courts, with the approval of the King;

- The courts of the Board of Grievances consist in the following: (1) The High Administrative Court; (2) Administrative appeal courts; (3) Administrative courts. The Administrative Judicial Council may create other special courts, with the approval of the King;

- Pursuant to article 13 (c) of the Board of Grievances Act, the Board is competent to adjudicate compensation claims brought as a result of administrative decisions or

actions, meaning that victims in torture cases are entitled to bring a claim for compensation before the administrative courts.

39. The Code of Criminal Procedure contains a number of provisions prohibiting torture and prescribing safeguards for accused persons in order to prevent its occurrence, including as follows:

- Under article 2, it is prohibited to subject an arrested person to physical or moral harm or to torture or degrading treatment;
- Under article 35, arrested persons must be treated in a manner that preserves their dignity, may not be subjected to physical or moral harm, must be informed of the grounds for their detention, and are guaranteed the right to communicate with a person of their choice in order to inform such person of their detention;
- Under article 102, the interrogation of an accused person must be conducted in such a manner as not to influence his will in giving statements and that the accused must not be asked to take oath, be subjected to coercive measures or interrogated outside the premises of the investigating body unless determined necessary by the investigator.

40. Article 2, paragraph 8, of Royal Decree No. 43 of A.H. 1377 (A.D. 1958) also prohibits the commission of acts of abuse or coercion, such as torture, cruelty, confiscation of assets and denial of personal liberties, in public office. Also included are the acts of imposing exemplary punishment or fines, ordering imprisonment, expulsion or compulsory residence in a specific location, entering homes unlawfully, and engaging in coercion with respect to lending, renting, selling or purchasing transactions. These acts are punishable by imprisonment for a term of up to 10 years or a fine of up to 20,000 riyals.

Supervision of prisons and detention centres

41. The Kingdom's laws comprise various provisions on the supervision of prisons and detention centres, including those contained in:

- Article 37 of the Code of Criminal Procedure, which states that: "Competent members of the Bureau of Investigation and Public Prosecution shall, at any time and without regard to official hours, visit prisons and detention centres within their jurisdictional areas to ascertain that no one is being unlawfully imprisoned or detained. They shall examine the records of such prisons and detention centres, have access to prisoners and detainees, hear their complaints and accept from them any submissions of complaint. The wardens of prisons and detention centres shall provide the members of the Bureau of Investigation and Public Prosecution with everything needed for them to perform their duties";
- Article 38 of the Code of Criminal Procedure, which states that: "All prisoners and detainees shall have the right to make a written or verbal complaint at any time to the warden of the prison or detention centre and request that he communicate it to a member of the Bureau of Investigation and Public Prosecution. The official shall accept the complaint, promptly communicate it after recording it in the designated logbook, and provide the person making the complaint with an acknowledgement of receipt. The administration of the prison or detention centre shall set aside an office for the competent member of the Bureau so that he can follow up cases of prisoners or detainees";
- Article 39 of the Code of Criminal Procedure, which states that: "Anyone knowing of a person being imprisoned or detained unlawfully or in a place not intended for imprisonment or detention must notify the Bureau of Investigation and Public Prosecution. The competent member of the Bureau must thereupon proceed

forthwith to the place where the prisoner or detainee is located, conduct an investigation and order the person's release if he is being unlawfully imprisoned or detained. He shall write a report to that effect for submission to the competent authority so that it may take the action required by law with respect to those responsible for the situation".

Other measures

42. Article 116 of the Code of Criminal Procedure, relating to procedural safeguards for accused persons, provides that: "Anyone who is arrested or detained shall be promptly informed of the grounds for his arrest or detention and shall have the right to communicate with a person of his choice in order to inform such person of his detention."

43. Article 118 of the Code of Criminal Procedure prohibits public officials from meeting or communicating with a detainee without the written permission of the investigator, providing as it does that: "The warden of the prison or detention centre may not allow a public official to communicate with a detainee except with the written permission of the investigator. He shall enter in the prison register details of the name of the person with such permission, the time of the meeting, the date of the permission and its content."

44. The Civil Service Code, promulgated in A.H. 1397 (A.D. 1977), lists in article 2, paragraphs 1 and 2, a number of prohibited actions for public officials, among them abuse of authority and exploitation of influence.

45. Article 11 of the same Code also provides that a public official must in particular:

- Refrain from any act that is a disgrace to public office or demeaning;
- Conduct himself with courtesy in his dealings with the public and with his superiors, colleagues and subordinates;
- Devote his time at work to performing his official duties, and meticulously and faithfully carry out orders within the limits set by laws and directives.

46. Article 61 of the Labour Code, promulgated in A.H. 1426 (A.D. 2005), states that, in addition to the obligations provided for in the Code and in its implementing regulations and decisions, employers are required to:

- Desist from subjecting workers to forced labour and from withholding a worker's pay or part thereof without legal cause, treat their workers with due respect and refrain from any word or deed that is detrimental to their dignity or religion;
- Give workers the time required for them to exercise their rights as provided for in the Code, without any deduction of pay for that time, and make arrangements for those rights to be exercised in a manner not detrimental to the progress of work;
- Facilitate for personnel of the competent authority any task relating to application of the provisions of the Code.

47. Article 81 of the same Code provides that: "A worker shall have the right to leave his employment, without notice and without prejudice to any of his statutory rights, in the following instances:

- Where the employer fails to fulfil his fundamental contractual or statutory obligations towards the worker;
- Where it is established that the employer or his representative acted fraudulently at the time of agreeing the terms and conditions of employment;

- Where the employer instructs the worker, without his consent, to perform an activity that differs substantially from that agreed and is in violation of article 60 of this Code;
- Where the employer, a member of his family or the manager in charge perpetrates a violent assault or an act of indecency against the worker or a member of his family;
- Where the employer or the manager in charge routinely treats the worker in a cruel, unfair or humiliating manner;
- Where there is a serious workplace hazard endangering the worker's safety or health, subject to the proviso that the employer is aware of its existence and has taken no obvious steps to eliminate it;
- Where the actions of the employer or his representative, in particular those of unfair treatment or breach of the terms of contract, drive the worker into making it appear as if he is the one terminating the contract.

48. Article 28 of the Imprisonment and Detention Act, promulgated in A.H. 1398 (A.D. 1978), provides that: "No prisoner or detainee may be subjected to any form of assault. Disciplinary action shall be taken against civil or military personnel who assault a prisoner or detainee, without prejudice to the imposition of criminal penalties in cases where the assault constitutes a criminal offence."

49. Article 5 of the same Act also provides that: "Prisons and detention centres shall be subject to judicial, administrative, health and social inspections ...".

50. Under the Code of Practice for Health Professionals, promulgated in A.H. 1426 (A.D. 2005), health professionals are required to report any injury that may have been caused by a criminal assault, with article 11 thereof providing that: "A health professional having examined a patient with a suspected criminal injury or communicable disease must forthwith notify the competent security and health authorities ...". All medical centres have powers to investigate injuries and take such action as is necessary.

51. Article 17 of the Code of Criminal Procedure guarantees the right of any person subjected to torture to bring proceedings against the person responsible, providing as it does that: "The victim, or his representative, and his heirs shall have the right to initiate criminal proceedings in all cases involving a private claim and to pursue such proceedings before the competent court. In this event, the court shall summon the Public Prosecutor." On the strength of this provision, a torture victim may bring criminal court proceedings against the person accused of the torture, thereby guaranteeing to the victim that he may seek the imposition of a criminal penalty against the accused person and also claim financial compensation. The right of the victim to institute criminal proceedings stems from the nature of the violated right under Islamic criminal legislation insofar as the offence of torture constitutes a physical and moral assault of the first degree on the victim, thus giving rise to such private claim, without prejudice to public criminal proceedings against the accused that may be initiated and pursued by the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions).

52. The provisions of Islamic sharia, from which the Kingdom derives its laws, prohibit acts of torture and the use of cruel or degrading treatment, whether in ordinary, exceptional or emergency circumstances.

53. In accordance with the above, an order from a superior officer may not be invoked as a justification for torture or the use of cruel or other such treatment inasmuch as they are designated as criminal offences. Consequently, a public official may neither give, nor carry out, an order that contravenes those provisions, failing which he is held to be an accomplice in the offence.

Article 3

54. The Kingdom is committed to the implementation of article 3 of the Convention, paragraph 1 of which provided that: "No State party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

55. Article 42 of the Basic Law of Governance provides that: "Laws and international agreements shall determine the rules and procedures for the extradition of ordinary criminals." In 2004, the Kingdom ratified the United Nations Convention against Transnational Organized Crime; in A.H. 1373 (A.D. 1954), it deposited its instrument of ratification of the Arab Agreement on the Extradition of Fugitive Offenders (1952–1953); and in 1999, it ratified the Riyadh Agreement for Judicial Cooperation. It has also concluded a number of bilateral agreements on the extradition of criminals and suspected criminals, which regulate the procedures to be followed in such cases. The Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) is competent to consider extradition requests and examine all their legal aspects, which includes ascertaining that the rights of person whose extradition is requested will not be violated, that he will not be subjected to torture and that he will be guaranteed a fair trial.

56. Expulsion is carried out pursuant to the Residence Act, which provides that anyone declared persona non grata for having breached the terms of the Act should be expelled, on the basis of a decision of the Minister of the Interior. In this case, the person to whom the expulsion order pertains may lodge an appeal against the order with the competent judiciary (the administrative judiciary) and also has the right to avail himself of the services of a representative or lawyer, as provided for in the procedural laws. No alien may be expelled, however, until such time as any dues owed by or owing to him are cleared.

Article 4

57. All acts of torture are treated as criminal offences in the Kingdom of Saudi Arabia, as is the participation in such acts. Article 2 of Royal Decree No. 43 of A.H. 1377 (A.D. 1958) states that any public official proven to have committed any of the offences provided for in the Decree, together with any person who participated or was complicit in the offence, whether or not a public official, is liable to imprisonment for a term of up to 10 years or a fine of up to 20,000 riyals. Paragraph 8 of the article provides that the acts for which the perpetrator is liable to punishment include those of "ill-treatment or coercion, such as torture, cruelty, confiscation of assets and denial of personal liberties, in public office. Also included are the acts of imposing exemplary punishment or fines, ordering imprisonment, expulsion or compulsory residence in a specific location, entering homes unlawfully, engaging in coercion with respect to lending, renting, selling or purchasing transactions, and collecting higher amounts of tax than are payable or imposed by law". Articles 2, 35 and 102 of the Code of Criminal Procedure, moreover, prohibit all forms of torture, as mentioned in the comment on article 2 of the Convention.

58. Article 28 of the Imprisonment and Detention Act, promulgated in A.H. 1398 (A.D. 1978), provides that: "No prisoner or detainee may be subjected to any form of assault. Disciplinary action shall be taken against civil or military personnel who assault a prisoner or detainee, without prejudice to the imposition of criminal penalties in cases where the assault constitutes a criminal offence."

59. Under article 171 (f) of the Internal Security Forces Act, promulgated in A.H. 1384 (A.D. 1965), anyone proven after a court martial to have committed the offence of torture is

liable to disciplinary action, consisting in separation or discharge from military service, or imprisonment for a term of up to 6 months, or both.

60. Under article 121 of the Internal Security Forces Act, an accused person may, as necessary, be suspended from work in the interest of investigation and may also be placed in pretrial detention where the nature of the accusation so requires.

61. With respect to a member of the Bureau of Investigation and Public Prosecution who commits, or is accused of committing, torture during the course of his work, the Bureau Act sets out the disciplinary procedures to be followed, which have no effect on criminal or civil proceedings. Such procedures include suspension of the accused from official duties, in accordance with article 21 of the Act.

62. Article 2 of the Suppression of Trafficking in Persons Act provides that: "Trafficking in persons is prohibited in all its forms, including those involving coercion, threat, fraud, deception, abduction, exploitation of office or influence, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits, to achieve the consent of a person having control over another person for the purpose of sexual abuse, forced labour or services, begging, slavery or practices similar to slavery, servitude, the removal of organs or the conduct of medical experimentation."

63. Under article 3 of the same Act, any person who commits the offence of trafficking in persons is liable to imprisonment for a term of up to 15 years or a fine of up to 1 million riyals, or both.

64. Article 4 of the same Act also stipulates harsher penalties in the following cases:

- Where the offence is committed by an organized criminal group;
- Where the offence is committed against a woman or a person with special needs;
- Where the offence is committed against a child, even if the offender was unaware that the victim was a child;
- Where the perpetrator of the offence uses or threatens to use a weapon;
- Where the perpetrator of the offence is the victim's spouse, ascendant, descendant or guardian or where he has authority over the victim;
- Where the perpetrator of the offence is a law enforcement officer;
- Where the offence is committed by more than one person;
- Where the offence is transnational;
- Where the victim suffers grave harm or a permanent disability as a result of the offence.

65. In implementation of the Kingdom's laws criminalizing acts of torture and ill-treatment committed in public office and acts of trafficking in persons, the country's courts have handed down numerous sentences to persons convicted of those acts, in keeping with the Convention against Torture (see annexes 9 and 10). Annex 8 also shows the number of victims of trafficking in persons offences in the Kingdom in cases that have been identified.

Article 5

66. In the Kingdom of Saudi Arabia, the scope of application of the provisions of the current regime is based on the personality principle and the territoriality principle, in accordance with the Judiciary Act, the Code of Sharia Procedure and the Code of Criminal Procedure, specifically in the following manner:

(a) When the offence is committed in, or its outcome or consequences extend into, the territory of the Kingdom, the jurisdiction of the courts, pursuant to article 131 of the Code of Criminal Procedure, is determined by the locality of the offence, or the locality where the accused resides or, if he has no known residence, the locality in which he was arrested;

(b) When the offence occurs on board a ship or aircraft carrying the flag of the Kingdom;

(c) When the offence is committed by a Saudi national outside the Kingdom and he is neither prosecuted nor punished by the authorities of the State in which the offence took place, which is as provided in article 24 of the Code of Sharia Procedure;

(d) When the offence occurs outside the Kingdom and constitutes an attack on the interests of the State, such as in the case of State security offences, counterfeiting of money, and drug smuggling;

(e) When the offence is committed outside the Kingdom against a Saudi national or an alien and the perpetrator has a general or designated place of residence in the Kingdom, which is as provided in article 25 of the Code of Sharia Procedure.

67. The jurisdictional scope of the authorities of the Kingdom of Saudi Arabia over torture offences is thus consistent with article 5 of the Convention, as clarified earlier in the comment on article 1 thereof.

Articles 6, 7, 8 and 9

68. As previously explained in the comment on article 1 of the Convention, the provisions of the Convention are considered part of the Kingdom's domestic law and have the same authenticity as laws in that they are promulgated by the same statutory device. Articles 6, 7, 8 and 9 of the Convention are therefore considered binding on all authorities in the Kingdom and must be complied with. In this context, reference can be made to various provisions of law that are consistent with the provisions of the Convention, as follows:

- The statement of the arrested person must be heard immediately, article 34 of the Code of Criminal Procedure providing as it does that: "The criminal investigation officer must immediately hear the statement of an arrested suspect ...". All evidence-gathering (initial investigation), investigation (further investigation) and trial procedures must also be conducted in the manner provided for in the Code of Criminal Procedure, which includes safeguards already mentioned;
- As previously stated, every accused person has the right to legal advice and to avail himself of the services of a representative or lawyer at the investigation and trial stages, as provided in article 4 of the Code of Criminal Procedure.

69. The Kingdom is under obligation to inform all embassies in its territory of the detention of any of their nationals, in accordance with a royal order promulgated in A.H. 1399 (A.D. 1979), which states that when any alien is detained, the embassy of his country must be informed, through diplomatic channels, of his name and full particulars, the place of and grounds for his detention, and the date of his trial, on the basis of article 36, paragraph 1 (b), of the Vienna Convention on Consular Relations, ratified by the Kingdom in A.H. 1408 (A.D. 1988).

70. The Kingdom has put in place a mechanism for the conduct of visits by representatives of embassies and diplomatic missions to any of their nationals detained or imprisoned in the Kingdom, on the basis of a decision issued by the Minister of the Interior

in A.H. 1323 (A.D. 2012). Annex 7 provides information on the number of visits undertaken by representatives of diplomatic missions and international delegations to prisons and detention centres.

71. Torture offences are not excluded from the provisions on extradition and international cooperation in the Kingdom's laws, as already clarified with reference to the measures taken to implement article 3 of the Convention.

72. The Kingdom has concluded a number of bilateral agreements for security cooperation with various States and has also ratified several agreements for judicial cooperation, including the:

- Convention on the Recognition and Enforcement of Foreign Arbitral Awards, A.H. 1414 (A.D. 1993);
- Agreement on the Enforcement of Judgements, Letters Rogatory and Judicial Notices in the States of the Gulf Cooperation Council, A.H. 1417 (A.D. 1996);
- Riyadh Agreement for Judicial Cooperation, A.H. 1420 (A.D. 1999);
- Agreement for Judicial Cooperation between the Kingdom and the Republic of Kazakhstan, A.H. 1427 (A.D. 2006);
- Agreement for Judicial Cooperation between the Kingdom and the Republic of the Sudan, A.H. 1431 (A.D. 2010);
- Agreement for Judicial Cooperation between the Kingdom and the Republic of Yemen, A.H. 1429 (A.D. 2008);
- Agreement for Judicial Cooperation between the Kingdom and the Kingdom of Morocco, A.H. 1428 (A.D. 2007).

Article 10

73. The Kingdom of Saudi Arabia attaches great importance to training, with article 34 of the Civil Service Code providing that: "Personnel training shall be part of the statutory duties of employment, either during or outside official working hours. All ministries and government departments shall ensure that their personnel receive training within their respective areas of competence." Training is regarded as an important foundation for public officials, as it teaches them how to discharge their functions as required by law, without prejudice to due process freedoms and rights guaranteed by law, in particular rights associated with criminal justice and fair trial safeguards, including the guarantee not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. Training efforts are focused on pre-service programmes completed by public officials before they take up their positions and carry out their functions, as well as on subsequent in-service programmes enabling them to pursue further training, familiarize themselves with latest developments in their line of work and enhance their understanding of the procedural safeguards guaranteed by law for individuals, regardless of their legal status. Examples of these areas of focus and measures follow below.

(Institutional) pre-service programmes

74. Article 3 of the regulations for members of the Bureau of Investigation and Public Prosecution provides that: "Members of the Bureau shall undergo an intensive training programme of not less than six months ...". Accordingly, the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) puts all new recruits through a one-year training programme dealing with subjects relating to the rules of criminal procedure, safeguards in the areas of evidence-gathering, investigation and trial procedures, and

matters pertaining to their functions with respect to interrogation, arrest and detention. These subjects cover the provisions contained in the Code of Criminal Procedure and other laws concerning the prohibition of torture and other practices prejudicial to the rights of an accused person. During the course of these programmes, investigators are trained to perform their duties of investigating and supervising procedures carried out by criminal investigation officers at the pre-investigation stage in order to ensure that they are conducted as provided for by law. The programme also includes training for investigators with regard to establishing the situation of accused persons as soon as they are brought before them and ensuring that an accused person undergoes a medical examination for forensic purposes in the event that he complains of having been subjected to torture or if the investigator suspects as much, even if the accused makes no explicit mention of it, insofar as to subject a person to torture is an offence, irrespective of whether or not the victim makes a complaint.

75. A programme exclusive to university graduates has been developed at the King Fahd Security College for preparing and training officers of the Ministry of the Interior. Students accepted into this post-graduate programme complete a course of academic and military training that equips them to work in the various sections of the Ministry of the Interior. An intensive programme, it covers scientific subjects dealing with the principles of criminal justice in the light of the safeguards provided in the Code of Criminal Procedure and other relevant laws. It also covers matters relating to the rights of accused persons, including the prohibition of torture and criminal and disciplinary liability for acts of torture.

76. Before taking up their duties, non-commissioned officers and personnel are required to undergo a special training course lasting several months. This intensive training programme covers subjects relating to the fundamental rights provided for in the Code of Criminal Procedure and other relevant laws, including the rights of suspects during arrest, torture as a criminal offence, procedures under the rules of criminal investigation, and the limits of their own jurisdiction with respect to those procedures insofar as officers alone are qualified to conduct a criminal investigation, pursuant to article 26 of the Code of Criminal Procedure.

In-service training programmes

77. Given the belief in the importance of ongoing training for all those working in the field of criminal justice, numerous programmes have been organized for judges, investigators, officers, non-commissioned officers and personnel with the aim of enhancing their knowledge of their legal duties and developing their practical skills so as to promote the protection of human rights and human dignity during criminal procedures. These programmes include the following:

- Under the terms of an agreement with the Kingdom, the Naif Arab University for Security Sciences attached to the League of Arab States runs human rights training courses for law enforcement officers, with a focus on criminal laws, giving such officers the opportunity to pursue their studies to a higher level and ensuring that they learn about human rights standards, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Featured among these courses was one on criminal procedures in child abuse cases (2011);
- The Higher Institute for Security Studies at King Fahd Security College runs training courses for law enforcement officers, focusing on human rights standards in the Code of Criminal Procedure and other laws, on ways of giving effect to those standards when applying the law, including article 2 of the Code of Criminal Procedure prohibiting torture, and on examining such matters in the light of the Convention against Torture;

- The Security Training Institute at the King Fahd Security College runs a six-month diploma course, entitled "Criminal justice and human rights", for personnel of the Kingdom's law enforcement agencies, which focuses on international human rights standards and their application at the national level.

Human rights induction

78. A centre for publication, information, documentation and translation has been established at the Human Rights Commission in order to provide access to human rights information and education. One of its functions is to organize training courses on human rights awareness for human rights personnel and other interested parties.

79. The Custodian of the Two Holy Mosques also consented to a programme for the promotion of a human rights culture, which is one of the key pillars provided for in the statute of the Human Rights Commission. The second phase of the programme has been completed, pursuant to a royal order issued in 2009, in association with a number of government entities by way of a comprehensive national plan centred on a number of principles, including:

- Its relevance to the problems of society in terms of human rights violations or misguided practices, according to each age group (from childhood to adulthood) or by target group, such as children, women and so forth;
- Its contribution to implementation of the commitments undertaken by the Kingdom under the conventions it has ratified;
- Its focus on the theme of human rights and human rights standards.

80. Since its establishment, the Human Rights Commission has furthermore organized various courses and workshops across the Kingdom for the benefit of judges, members of the Bureau of Investigation and Public Prosecution and the Commission for the Promotion of Virtue and the Prevention of Vice, and personnel of the Directorate General of Passports, the Counter-Terrorism Department and law enforcement agencies. Most of these courses focused on providing information on international human rights standards and the prevention of torture.

81. Human rights terminology has now been incorporated into the study plans for kindergartens and general education, while human rights are taught as part of higher education syllabuses or as separate subjects. The subject of international humanitarian law has also been integrated into those syllabuses. The Human Rights Commission plays a part in human rights education, as do educational, training and civil institutions. A number of human rights education principles are currently being developed, including those of:

- Implementing a project to curb child abuse with a view to preventing all forms of physical and psychosocial harm, promoting proper physical and psychosocial development of children, fostering within the educational community a culture of student rights and responsibilities, assisting schools to identify and deal with cases of abuse, and ensuring that schools protect students from all practices causing physical or psychological harm;
- Constructing a mechanism from a human rights perspective (Code of Conduct and Attendance for general education schools) with the aim of adjusting student behaviour through educational methods, equipping those working in education (school principals, teachers, student advisors and educational supervisors) with distinct techniques for dealing with student behaviour on the basis of appropriate educational principles, promoting desirable behaviour in students, teaching students to control their own behaviour, and minimizing behavioural problems among students through the use of every possible educational tool;

- Incorporating into academic syllabuses themes derived from human rights standards (such as equality, tolerance and justice) and including their arrangement in series as part of the criteria for drafting the academic curriculum;
- Building general concepts of human rights teaching into academic syllabuses from the kindergarten to secondary levels;
- Promoting human rights through extracurricular and media activities of an educational nature, taking into account the principle of priority and age groups;
- Including the following in human rights syllabuses at the university level: general culture; human rights statutes, laws, conventions and literature, including themes and practices encompassed therein; and special syllabuses for training human rights experts as academic authorities on the subject;
- The Kingdom of Saudi Arabia sets particular store by the Arab Plan for Human Rights Education (2009–2014) adopted by the League of Arab States, having built related activities in the concerned ministries through a dedicated higher committee and identified programmes to be launched in the educational arena in particular and in society at large in order to give effect to the Plan;
- The Kingdom is committed to United Nations programmes and activities in the field of human rights education, in compliance with the requirements of Islamic sharia in that regard.

82. The Ministry of Education has developed procedural mechanisms for the identification and immediate reporting of cases of violence in schools by way of the following:

- A hotline set up between schools, education departments and the Ministry for reporting cases of violence;
- The child support line run by the National Family Safety Programme and the appointment of coordinators in all provinces throughout the Kingdom to operate the line and to receive and deal with complaints through the mechanisms in place for that purpose;
- The psychosocial advice line operated by the counselling units in education departments for students and their guardians;
- Awareness-raising of children's rights through a project for general education schools on the rights and obligations of students, covering the different stages of development and physical, psychological, social and educational rights;
- Programmes for promoting dialogue and informing the educational community about dialogue, the practice of dialogue and the teaching of dialogue to students in the context of behavioural education;
- Social protection programmes;
- A programme for reducing student violence;
- A project involving counselling units, the aim of which is to study psychosocial behaviour in students; support families by educating and sensitizing them to their role in bringing up and caring for children; overcome educational and social problems facing students; and helping teachers to deal with psychosocial problems of their own that prevent them from adapting socially to their educational environment.

83. Universities and other government entities also play a role in promoting a human rights culture in the Kingdom.

84. The Ministry of Health has concerned itself with cases of violence and abuse, working during the period A.H. 1428–A.H. 1429 (A.D. 2007–2008) to develop regulations for dealing with such cases, which include requirements to report identified cases via a specific mechanism and to form a committee in every health facility for addressing cases of violence and abuse, in accordance with an approved mechanism, with a view to protection. In A.H. 1432 (A.D. 2011), furthermore, a protection unit dealing with violence and abuse was established at the Ministry in order to give effect to and monitor those mechanisms.

85. All of the Kingdom's health sectors count on 41 centres, located in health facilities, for protecting children from violence and abuse. These centres, 23 of which are attached to the Ministry of Health, receive and deal with cases of violence.

86. The Ministry of Health has also carried out training for personnel in protection against violence and abuse in order to teach them how to identify and deal with victims of violence. It has furthermore sent a number of doctors abroad to study forensic medicine, which is of direct relevance when it comes to dealing with cases involving any kind of torture, whether relating to adults or children.

87. The National Family Safety Programme delivered special training courses throughout the Kingdom for five years, benefiting over 1,500 professionals who deal with cases of child abuse and domestic violence in the course of their work in the health, psychosocial, educational, security, legal and judicial fields. The courses were run in conjunction with governmental and non-governmental institutions and with the cooperation of such international organizations as the International Society for Prevention of Child Abuse and Neglect. In 2010, the programme also set up a one-number child support line (1161111) to promote awareness of children's rights among individuals and society at large and serve as a community-based channel enabling children and their carers to talk frankly about their concerns and problems. The experts involved in this project offer appropriate advice, make referrals as necessary to the competent entities and follow up on the handling of such cases. Fifteen governmental and non-governmental bodies are taking part in this project.

88. Various seminars and workshops on human rights have been organized by a number of government entities, including:

- A seminar on human rights in peace and war, organized by the Saudi Red Crescent Authority in 2003;
- A seminar on the judiciary and justice systems, organized by the Ministry of Justice in 2004;
- A workshop on the Kingdom of Saudi Arabia and international human rights conventions and a workshop on the status of courts and the rights of accused persons in the Kingdom, held at the Institute of Diplomatic Studies of the Ministry of Foreign Affairs in 2004 and 2005.

Advisory Committee

89. Among the best practices undertaken by the Kingdom in recent years in the context of appropriate treatment of prisoners and detainees and their reintegration into society was the establishment of a committee named the Advisory Committee, the aim of which is to fight terrorist ideology through promoting a counter ideology and betraying doubts with the assistance of scholars, intellectuals, social workers and psychotherapists. A care programme run by the Mohammed bin Naif Counselling and Care Centre has also been implemented for rehabilitating prisoners whose sentence is almost complete through providing counselling, directing them towards their own good, and working for their psychological stability so that they emerge prepared for construction and not destruction.

90. Additional efforts have been made concerning the rights of prisoners, promoting the principle that prisons are correctional and rehabilitation facilities. In short, prisoners of both sexes are afforded the right to a fixed period of leave from prisons and detention centres, in keeping with humanitarian principles, in the following cases:

- To receive treatment or anaesthesia in private hospitals or to be present for the completion of any medical procedures involving their dependents;
- To facilitate procedures for their registration at institutes and universities and their attendance at tests required for that purpose;
- To enter into marriage, conclude the marriage of dependents or take part in a relative's marriage ceremony;
- To visit in their homes parents and relatives who are unable to visit the prisoner;
- To attend the burial of a relative and receive mourners.

Other measures taken in addition include:

- The construction of model prison facilities, with on-site training centres and high-standard vocational workshops, in some areas of the Kingdom;
- The construction of self-contained housing units for family days, when the prisoner's family is able to stay with the prisoner for a three-day period, with well-ordered rooms set aside for once-monthly visits by a prisoner's spouse.

91. A website called "window of communication" has been set up in order to provide interested government entities, human rights organizations and individuals with information about detainees. The facilities offered by the website include access to data and information on all detainees; online communication between detainees and their relatives; online submission of requests for visits, temporary leave and family expenditures; submission of missing person reports; receipt of alerts and notifications; submission of complaints and suggestions; and access to news and information on related events.

92. With respect to article 10, paragraph 2, of the Convention, concerning inclusion of the prohibition of torture in relevant rules and instructions, the duties of public law enforcement officers (civilian or military) stem from the laws governing and regulating the performance of their tasks and functions, including Royal Decree No. 43, promulgated in A.H. 1377 (A.D. 1958), the Code of Criminal Procedure and other laws prohibiting torture. Directives and rules of procedure are therefore adopted on the premise that these laws are integral to the duties of public officials, who must comply therewith, failing which they incur both criminal and disciplinary liability.

93. Promulgated in A.H. 1397 (A.D. 1977), the Civil Service Code sets out the duties of public officials, including the requirement to exercise courtesy in dealing with the public, and prohibits exploitation of influence and abuse of power.

94. The Officers' Service Code, promulgated in A.H. 1393 (A.D. 1973), also provides that officers have a duty to treat non-commissioned officers and personnel with courtesy.

95. Under article 118 of the Internal Security Forces Act, the offences provided for in Royal Decree No. 43, promulgated in A.H. 1377 (A.D. 1958), involve activities among those prohibited to officers, non-commissioned officers and personnel that call for an investigation, a disciplinary court-martial and a criminal trial.

96. Chapter II, article 9 (a), of the rules of procedure of the Control and Investigation Board, issued in A.H. 1392 (A.D. 1972), also provide that: "No investigator may use means of coercion, pressure or threat in his investigation. He shall confine himself to investigating matters directly relating to the charge and to uncovering the facts."

97. Article 102 of the Code of Criminal Procedure includes a provision stating that the interrogation of an accused person must be conducted in such a manner as not to influence his will in giving statements and that the accused may not take oath or be subjected to coercive measures.

98. Article 53 of the Code of Criminal Procedure also states that, in cases other than flagrante delicto, no person may be arrested or detained except by order of the competent authority and that arrested persons shall be treated in a manner that preserves their dignity, may not be subjected to physical or moral harm, must be informed of the grounds for their detention and have the right to communicate with a person of their choice in order to inform such person of their detention.

Article 11

99. The Code of Criminal Procedure sets out many safeguards surrounding interrogation in order to guarantee that no accused person is subjected to assault or wrongdoing. The Code treats interrogation as a legitimate measure for enabling a suspect to defend himself with respect to any evidence against him and as a means for uncovering the facts, striking a balance between the right of society to have offenders prosecuted and the procedural and fair trial rights of victims so that no offence, whatever its severity, is grounds for wrongdoing, the violation of rights or any other act prohibited and punishable under the Code.

100. Pursuant to article 2 of the Code, it is prohibited to subject an arrested person to physical or moral harm and likewise to subject him to torture or degrading treatment.

101. It is prohibited to make an accused person take oath or to use coercive measures against him, which is to ensure that his statements are made of his own free will and not distorted as a result of coercion. The place of interrogation must also be in a setting that excludes possibilities for influencing the will of an accused person. Essentially, therefore, interrogations must be conducted at the investigation headquarters and nowhere else unless considered necessary by the investigator. These principles are spelled out in article 102 of the Code.

102. The Code imposes a number of procedural requirements that the investigator is bound to carry out in connection with interrogation. These consist in taking the personal details of the accused person, informing him of the charge and any supporting evidence, keeping a written record of all procedures, and confronting the accused with other accused persons and witnesses. The accused must sign his statements after they have been read back to him and may not be compelled to do so if he refuses, in which event the investigator must make a note of his refusal in the investigation report. All these safeguards are explicitly provided for in article 101 of the Code.

103. In order to ensure that interrogation remains solely in the hands of the investigating authority, the Code provides in article 65 that it is prohibited for criminal investigation officers to carry out interrogations, stating that: "The investigator may designate in writing a criminal investigation officer to undertake one or more specific investigation procedures, excluding the interrogation of an accused person ...".

104. On the basis of the sharia doctrine of the fruit of the poisonous tree, all evidence obtained by unlawful means is inadmissible and ineffective in proceedings. Evidence obtained through a forced confession, torture or an unauthorized search of dwellings is considered unlawful and without merit in legal proceedings in that the means used to arrive at such evidence are invalid. This principle is affirmed in article 188 of the Code, which provides that: "Any action inconsistent with the provisions of Islamic sharia or laws derived therefrom shall be invalid."

105. The Code restricts the powers of criminal investigation officers vis-à-vis accused persons. Hence, no officer may arrest a suspect except in the case of flagrante delicto, which is treated and defined separately in the Code, or unless the investigating authority issues a reasoned order for his arrest. In such cases, the criminal investigation officer is empowered only to hear statements, which is not considered as interrogation and entails neither confronting the accused with evidence nor entering into any detailed questioning. Its aim is to enable the accused to refute the grounds for his arrest. The criminal investigation officer must subsequently refer the suspect to the Bureau of Investigation and Public Prosecution within 24 hours of the date of his arrest. Article 34 of the Code enshrines all of these principles by providing that: "The criminal investigation officer must immediately hear the statement of an arrested suspect. Where the innocence of the suspect is not established, the officer shall within 24 hours hand him over, together with his report, to the investigator, who must question him within 24 hours and thereafter order his detention or release."

106. All prisons and detention centres are subject to supervision by the Bureau of Investigation and Public Prosecution. Bureau members tasked with supervising prisons and detention centres may visit such locations at any time, without being restricted to official working hours, in order to ascertain that all prisoners and detainees are being legally held. Their role also extends beyond visits to examining the official records, meeting prisoners and detainees face-to-face and taking note of any complaints they may have, in conformity with article 37 of the Code.

107. The right of prisoners and detainees to submit written or verbal complaints to the warden of the prison or detention centre is protected. Such complaints must be entered in a special register and notified to a member of the Bureau of Investigation and Public Prosecution. Bureau members also have offices in prisons so that they can follow up the cases of prisoners and detainees, pursuant to article 38 of the Code.

108. The right of the public to take part in monitoring the activities of public officials in protecting human rights and freedoms is enshrined insofar as anyone knowing of a person being imprisoned or detained unlawfully or in a place not intended for imprisonment or detention must notify the Bureau of Investigation and Public Prosecution. Under the terms of the Code, the competent member of the Bureau is required thereupon to proceed with an investigation, order the release of the prisoner or detainee and take the action required by law with respect to the person responsible for the situation. Article 39 of the Code sets out these principles by providing that: "Anyone knowing of a person being imprisoned or detained unlawfully or in a place not intended for imprisonment or detention must so notify the Bureau of Investigation and Public Prosecution. The competent member of the Bureau must thereupon proceed forthwith to the place where the prisoner or detainee is located, conduct an investigation and order the person's release if he is being unlawfully imprisoned or detained. He shall write a report to that effect for submission to the competent authority so that it may take the action required by law with respect to those responsible for the situation."

109. In accordance with article 5, paragraph 6, of the statute of the Human Rights Commission, the Commission is empowered to visit prisons and detention centres at any time, without authorization from the competent authority, and to report back to the Prime Minister. Under paragraph 7 of the same article, it is also empowered to receive human rights-related complaints, ascertain their veracity and take the action required by law. The Commission also monitors government organs to ascertain that they take the necessary measures to implement within their spheres of competence the international human rights instruments ratified by the Kingdom, in conformity with article 3, paragraph 5, of its statute.

110. Since its establishment, the Commission has conducted numerous visits to prisons and detention centres, following which it has prepared reports and submitted recommendations and proposals (see annex 4).

111. The National Society for Human Rights, a civil society organization, also visits prisons and detention centres, interviews prisoners and detainees, receives their complaints, identifies potential violations of their rights and follows them up with the competent entities (see annex 6).

112. The Ministry of the Interior has set aside offices inside a number of prisons for both the Human Rights Commission and the National Society for Human Rights in order to facilitate the exercise of their functions of supervising, receiving complaints from prisoners and detainees, seeking to ascertain the veracity of such complaints and dealing with them immediately as a matter of urgency.

113. Under article 4 of the Code, an accused person has the right to avail himself of the services of a lawyer or representative during the investigation and trial stages. Pursuant to article 70, the investigator is also prohibited to separate the accused from the representative or lawyer present with him during investigation procedures, thus providing a key safeguard for accused persons under interrogation.

114. Emanating from the nature of the safeguards for ensuring that criminal procedures are properly conducted and founded on the principles of justice, the interrogation practices in place include the following:

- The investigator confirms his name, capacity and rank, which are recorded in the minutes by a special clerk, together with the time, date and place of interrogation and the names of those present, such as the interpreter and others, all of whom must sign each page of the minutes;
- The statements of the accused person are recorded verbatim, without elaboration, omission or interpretation, and with no deletion, crossing out, erasure, interlineation or insertion permitted in the minutes of the investigation, which otherwise lose their authenticity;
- The accused is given adequate time and facilities for stating his position concerning the charge against him, including his right to confront witnesses and comment on their testimony, this being a defence safeguard;
- Silence on the part of an accused person is not taken as evidence against him, he cannot be compelled to speak, and his silence is considered tantamount to a denial of the charge;
- A project for filming interrogations is being rolled out through the instalment of closed-circuit television equipment in order to increase the assurance that no torture or degrading treatment is administered during interrogation.

115. In addition to the above, the Kingdom has a new draft code of criminal procedure comprising the same guarantees for accused persons as the present Code and several additional guarantees derived from the Kingdom's international obligations.

Articles 12 and 13

116. In A.H. 1433 (A.D. 2011), the Council of Ministers issued a decision to transfer to the Bureau of Investigation and Public Prosecution the jurisdiction of the Control and Investigation Board to investigate complaints and reports relating to torture or other cruel, inhuman and degrading treatment listed among the offences provided for in article 2, paragraph 8, of Royal Decree No. 43 of A.H. 1377 (A.D. 1958). Proceedings for the charge

of administering torture and other cruel, inhuman and degrading treatment are instituted by way of complaints filed with criminal investigation officers, in accordance with article 27 of the Code of Criminal Procedure, and also by way of complaints made by prisoners or detainees to the Bureau of Investigation and Public Prosecution, pursuant to article 3, paragraph 1 (e), of the Bureau Act, promulgated in A.H. 1409 (A.D. 1989), in addition to articles 37, 38 and 39 of the Code of Criminal Procedure, to which reference has been made in several parts of this report.

117. Article 43 of the Basic Law of Governance also provides that: "Audiences held by the King and the Crown Prince shall be open to all citizens and to anyone who has a complaint or grievance. Every individual shall have the right to address the public authorities in matters of concern to him."

118. Article 7 (c) of the Provinces Act provides that provincial governors are responsible for guaranteeing the rights and freedoms of individuals and must refrain from taking any action that would infringe those rights and freedoms, except within the limits prescribed by law.

119. The Kingdom's prisons have been established in keeping with the standards laid down in sharia and law, which are consistent with international human rights standards, upholding the rights of prisoners and taking into account their family interests. Pursuant to article 5 of the Imprisonment and Detention Act, promulgated in A.H. 1398 (A.D. 1978), supervisory and inspection authorities have been created to assess the implementation of laws inside prisons and ensure that none is disobeyed. These authorities include judges and members of the Control and Investigation Board, the Human Rights Commission and the National Society for Human Rights. All embassies and consulates are also continually able to visit any of their nationals who are imprisoned or detained, in conformity with the procedures prescribed by law and the provisions of both the Vienna Convention on Consular Relations and relevant international treaties.

120. The Human Rights Commission is also vested with the competence to receive human rights-related complaints and investigate any potential violations, pursuant to articles 5 and 11 of its statute, and to refer such violations to the competent authorities for completion of the requirements specified by law in that regard and to follow up on any action taken.

121. The National Society for Human Rights likewise receives complaints and follows them up with the competent authorities. It also visits prisons and detention centres.

122. Article 39 of the Code of Criminal Procedure provides that: "Anyone knowing of a person being imprisoned or detained unlawfully or in a place not intended for imprisonment or detention must so notify the Bureau of Investigation and Public Prosecution. The competent member of the Bureau must thereupon proceed forthwith to the place where the prisoner or detainee is located, conduct an investigation and order the person's release if he is being unlawfully imprisoned or detained. He shall write a report to that effect for submission to the competent authority so that it may take the action required by law with respect to those responsible for the situation."

123. In the case of a member of the Bureau of Investigation and Public Prosecution who commits or is accused of committing torture during the course of his work, the Bureau Act sets out the disciplinary procedures to be followed, which have no effect on criminal or civil proceedings. Those procedures include suspension of the accused from duty, in accordance with article 21 of the Act.

124. Under article 121 of the Internal Security Forces Act, an accused person may be suspended from duty, where required in the interest of investigation, and may also be placed in pretrial detention where the nature of the accusation so requires.

125. In all, 119 branches and departments of the Bureau have been opened across the Kingdom to oversee application of the safeguards provided for in the Code of Criminal Procedure.

126. In addition to the above, the right to seek judicial remedy is guaranteed equally to all citizens and residents, as provided in article 47 of the Basic Law of Governance.

127. The National Family Safety Programme set up a one-number child support line (1161111) and the Ministry of Education, for its part, set up a hotline between schools, education departments and itself for reporting cases of violence and a psychosocial advice line operated by the counselling units in education departments for students and their guardians.

128. The laws and regulations applicable to juvenile delinquents in the Kingdom guarantee a number of measures for ensuring that juveniles are treated in an age-appropriate manner and are provided with an environment in which they feel psychologically secure and comfortable, including as follows:

- In all cases, a juvenile must be handed into the care of a social observation home as soon as he is arrested;
- No juvenile may be arrested without a warrant from a juvenile judge;
- The use of restraints on a juvenile is prohibited;
- Security officers are forbidden to wear military apparel when dealing with a juvenile in the course of their duties;
- The interrogation and trial of a juvenile must be conducted inside the social observation home in the presence of his guardian and an expert;
- A juvenile must undergo the necessary medical and psychological examinations on his admission to a social observation home and a report on his condition must be submitted to the case supervisor before his trial commences;
- A juvenile must be enrolled in appropriate academic and training programmes at the social observation home.

A comprehensive bill on juveniles and juvenile criminal procedures is currently under consideration.

129. Separate juvenile departments established at the Bureau of Investigation and Public Prosecution have been in operation since 2010 and are competent to handle juvenile cases. Their objective is to ensure that juveniles are fully cared for and protected during the investigation state and that skilled investigators are assigned to deal with them.

130. Promulgated in A.H. 1428 (A.D. 2007), the Judiciary Act provides in article 20 that the criminal court is composed of special divisions, including juvenile divisions.

Article 14

131. Under the regime in place in the Kingdom of Saudi Arabia, compensation is guaranteed to anyone suffering damage as a result of torture or other cruel, inhuman and degrading treatment or punishment. He, and indeed his heirs, may claim compensation from the State on account of its responsibility for the actions of its officials. He may also claim compensation from the person accused of the offence of torture. Details are set out below.

Procedures in compensation proceedings against an accused person

132. The Code of Criminal Procedure guarantees to the victim, his lawyer or his heirs the right to institute criminal proceedings, providing in article 17 that: "The victim, or his representative, and his heirs shall have the right to initiate criminal proceedings in all cases involving a private claim and to pursue such proceedings before the competent court. In this event, the court shall summon the Public Prosecutor."

133. A party aggrieved by an offence may make a private claim at the investigation stage and join in the proceedings as a private plaintiff insofar as article 68 of the Code of Criminal Procedure provides that: "Anyone suffering harm as the result of an offence may file a private claim during the investigation stage of the proceedings. The investigator shall decide as to the admissibility of the claim within three days of the date when it was submitted to him. Anyone whose application is rejected may lodge an appeal against the decision with the head of the department to which the investigator is attached within one week of the date when he received notification of the decision. The decision of the head of department shall be final in the investigation stage." In cases where the application is accepted, the aggrieved party has the right to be present during all investigation procedures, on the basis of article 69 of the Code.

134. The Code of Criminal Procedure guarantees the rights afforded at the trial stage to a person aggrieved by an offence by providing in article 148 that: "Anyone suffering harm as the result of an offence may bring before the criminal trial court a private claim for any amount at any stage of the proceedings, as may his heirs, even if his application was rejected during the investigation."

Compensation proceedings against the administrative authority

135. The administrative courts are competent to adjudicate compensation claims brought against government entities, pursuant to article 23 (c) of the Board of Grievances Act, which provides for the jurisdiction of those courts to hear compensation claims brought by interested parties against decisions or actions of the administrative authority.

136. The Board may also award compensation for torture offences of which public officials are accused pursuant to Royal Decree No. 43 of A.H. 1377 (A.D. 1958), in accordance with article 3 of the Board of Grievances Act, which provides that: "In addition to the penalties set forth in the preceding article, it shall order the convicted person to pay appropriate compensation to anyone who suffered harm ..."

137. Article 217 of the Code of Criminal Procedure provides that: "... Anyone suffering harm as the result of a malicious accusation or prolongation of his imprisonment or detention beyond the prescribed term shall have the right to claim compensation." Article 210 of the same Act stipulates that: "Any acquittal judgement delivered on the basis of a petition for review must include moral and material compensation where so requested by the convicted person for the harm he has suffered."

138. Compensation awards made by the Board of Grievances owing to failures in following the procedures required by law in cases of detention include, among others, one made in A.H. 1426 (A.D. 2006) to a claimant who had not been released on bail, even though the bail had been paid, and another made in A.H. 1427 (A.D. 2007) to a claimant who had been imprisoned for longer than the term prescribed by law.

139. Rehabilitation for torture victims is assured under the health-care laws, which guarantee the provision of rehabilitative health care to everyone who needs it, including victims of torture offences. In addition, article 15 of the Suppression of Trafficking in Persons Act states that procedures taken at the investigation or trial stages with respect to a victim of the offence of trafficking in persons include those of:

- Informing him of his legal rights in a language that he understands;
- Giving him the opportunity to declare his status, including as a victim of trafficking in persons, and likewise his legal, physical and psychosocial status;
- Having him examined by the competent physician if he is demonstrably in need of medical or psychological care or if he so requests;
- Having him admitted to a centre for medical or psychosocial rehabilitation where clearly required on account of his medical or psychological condition or his age;
- Having him admitted to a specialist centre if he is in need of shelter.

Article 15

140. Among the fundamental principles on which the Code of Criminal Procedure rests is that of the legitimacy of evidence, provided for in article 2 thereof.

141. Article 162 of the Code states that, if an accused person at any time confesses to the charge against him, the court must hear his detailed statement and examine him in order to be satisfied that the confession is genuine and complete the investigation where there are grounds for doing so. On the strength of this provision, therefore, the court determines the truthfulness of the confession. If it finds that the confession was obtained under coercion or torture, it must exclude that evidence from the proceedings because it was not a product of free will and breaches the provisions of the Code of Criminal Procedure. Such evidence must consequently be invalidated, in conformity with article 188 of the Code, which stipulates that any action inconsistent with the provisions of Islamic sharia or laws derived therefrom is invalid.

142. It is worth mentioning here the provision in Islamic sharia that the confession and actions of a person subjected to coercion have no validity and no consequential effect. All Islamic jurists are in agreement on this matter in that it is one of the principles of justice. In order to guarantee that no torture occurs during investigation, the Code of Criminal Procedure states in article 70 that no accused person may be separated from the lawyer or representative present with him during the investigation.

Article 16

143. As previously stated, the Code of Criminal Procedure prohibits all forms of torture and other cruel, inhuman or degrading treatment or punishment, with article 2 providing that: "... It shall be prohibited to subject an arrested person to physical or moral harm and likewise to subject him to torture or degrading treatment". Article 53 of the Code provides that an arrested person shall be treated in a manner that preserves his dignity, may not be subjected to physical or moral harm, and must be informed of the grounds for his detention and assured of his right to communicate with a person of his choice in order to inform such person of his detention. Article 102 of the Code further provides that the interrogation of an accused person must be conducted in such a manner as not to influence his will in giving statements, that the accused may not take oath or be subjected to coercive measures, and that he may not be interrogated anywhere other than at the headquarters of the investigating authority unless considered necessary by the investigator. Together with the criminalization of all forms of ill-treatment, in particular torture, under Royal Decree No. 43 of A.H. 1377 (A.D. 1958), these provisions combined affirm that the consistent goal is to preserve human dignity, irrespective of the means utilized to compromise it, whether torture or degrading treatment or cruel treatment, all of which entail a criminal offence, assume the same significance, are dealt with by the same procedures and are punished according to the

nature of each action, the circumstances of the incident and the situation of the accused person, all of which are judicial matters for the discretion of the court, taking into account legal principles.

144. The concerned implementing entities, in particular the Ministry of the Interior, give effect to the Convention against Torture by circulating it to the competent authorities and emphasizing adherence to its provisions.

145. Article 2 of the Imprisonment and Detention Act provides that: "Male and female prisons shall be established by decisions of the Minister of the Interior, as shall male and female detention centres, taking into account in their establishment the needs of the Kingdom's administrative units. The implementing regulations set out the rules concerning the administration of prisons and detention centres and their records, as well as the rules concerning surveillance, sanitation and safety measures."

146. The Kingdom also has social observation homes for boys and for girls. Regulations governing these homes were issued in A.H. 1395 (A.D. 1975).

147. It should be said that the Kingdom has no secret prisons. All prisons in the Kingdom are in known locations and subject to supervision and to judicial, legal and administrative control.

148. Article 5 of the Imprisonment and Detention Act provides that: "Prisons and detention centres shall be subject to judicial, administrative, health and social inspection, as provided for in the implementing regulations."

149. Article 10 of the Act provides that: "The implementing regulations shall lay down rules for the classification of prisons on the basis of the type, severity and frequency of the offences for which convictions are given, the duration of sentences and the facilities for the assessment of inmates."

150. Working in collaboration with the competent entities in the areas of education and awareness-raising, the Ministry of the Interior is developing education curricula for prisons and detention centres, in keeping with article 18 of the same Act. The implementing regulations determine the rules and procedures for the various levels of examinations to be taken by prisoners and detainees. Each prison and detention centre houses a library containing books on religion, science and ethics for the benefit of prisoners and detainees during their spare time. Prisoners and detainees are also permitted to have books, newspapers and magazines sent to them at their own expense, as provided for in the implementing regulations.

151. The Ministry of Education is setting up a school for all levels in every prison and juvenile care home in order to attend fully to the education of inmates, eradicate any illiteracy and enable them to complete their education with the help of qualified teachers.

152. The Ministry of Education provides social and educational services for the children of prisoners through:

- A social and educational care programme for children and families of prisoners;
- A support programme for families in need (Takaful), which provides in-kind assistance for student children in those families.

153. Article 19 of the Imprisonment and Detention Act also provides that: "The Ministry of the Interior shall work in coordination with the competent authorities to develop social service programmes for prisons and detention centres and for families of prisoners and detainees."

154. All accused persons are furthermore medically examined on admission to a public prison and prisoners undergo regular medical examinations, in accordance with paragraph 5

of the medical service regulations promulgated by ministerial decision in A.H. 1398 (A.D. 1978).

155. With respect to juveniles, it has already been mentioned that the Kingdom has taken various measures for ensuring that they are treated in an age-appropriate manner and are provided with an environment in which they feel psychologically secure and comfortable, including as follows:

- A juvenile must be handed into the care of a social observation home as soon as he is arrested;
- No juvenile may be arrested without a warrant from a juvenile judge;
- The use of restraints on a juvenile is prohibited;
- Security officers are forbidden to wear military apparel when dealing with a juvenile in the course of their duties;
- The interrogation and trial of a juvenile must be conducted inside the social observation home in the presence of his guardian and a specialist;
- A juvenile must undergo the necessary medical and psychological examinations on his admission to a social observation home and a report on his condition must be submitted to the case supervisor before his trial commences;
- A juvenile must be enrolled in appropriate academic and training programmes at the social observation home.

156. The Protection from Harm Act prohibits the subjection of all vulnerable groups, particularly women and children, to any form of harm and provides for the establishment of national mechanisms for the protection of such groups. Furthermore, a Child Protection Bill presently under consideration is particularly concerned with ensuring that children are not subjected to any form of harm or torture, that an environment appropriate to their development and daily lives is in place, and that deterrent punishments are imposed on anyone violating the rights of a child.

158. The Ministry of Social Affairs has carried out a number of activities relevant to combating torture and other forms of cruel, inhuman and degrading treatment, including:

- Signing a memorandum of cooperation with a number of civil society organizations and charitable societies for the provision of shelter to groups vulnerable to violence;
- Signing a memorandum of cooperation with King Abdulaziz City for Science and Technology for the implementation of a national strategy to address domestic violence and for the delivery of awareness programmes;
- Establishing a communication centre for receiving reports of violence against women and children;
- Giving effect to a decision of the Council of Ministers, promulgated in A.H. 1429 (A.D. 2008), setting out various measures for curbing the problem of domestic violence, including by bringing forward the opening of social protection units throughout the Kingdom.

158. In A.H. 1434 (A.D. 2013), the Kingdom issued the regulations on the employment of domestic workers and the like, which contain 23 articles regulating the relationship between employers and domestic workers and spelling out the contractual obligations and rights of each. The regulations include penalties for breach of contract so as to guarantee the rights of both employers and domestic workers.

159. The Ministry of Education, through procedural mechanisms for identifying cases of violence in schools and for promptly reporting them via a hotline set up between schools, education departments and the Ministry itself, is working to ensure that cases of violence are reported. Issues arising as a result are studied by a committee formed for that purpose by the Ministry, which also refers cases to education department experts for examination.

160. The Human Rights Commission receives reports from the competent authorities about suspected cases of domestic violence and handles them in accordance with the procedures prescribed by law.

161. Article 57 of the rules governing general education schools, issued by the Ministry of Education in A.H. 1420 (A.D. 2001), provide that: "No student may be punished by beating or by any type of corporal or psychological punishment. The school shall deal with student misconduct using educational methods appropriate to the age and individual characteristics of the student and refrain from any method detrimental to the student's dignity and self-pride."

162. The Code of Conduct and Attendance for all school students, issued by the Ministry of Education in A.H. 1434 (A.D. 2013), states in paragraph 22 (8) of the general provisions that: "In the case of student misbehaviour, the school administration and teachers must comply with the procedures set forth in this Code and refrain from non-educational practices that have an adverse effect on the student, such as inflicting any form of physical or psychological harm, deducting or threatening to deduct subject marks, denying breakfast at the appointed time, requiring the student to produce multiple copies of homework as punishment, inciting or provoking the student to misbehave or absent himself, ridiculing and mocking the student's character, and imposing collective punishment on account of one student's misconduct." Paragraph 23 (8) of the Code also provides that: "Where a school fails to discharge its responsibilities and obligations in a precise and objective manner with respect to implementing the rules, directives and guidelines set forth in this Code, it shall bear the responsibility for its failure, which is considered a dereliction of the official duty provided for in the Civil Service Code, thus requiring punishment of the official at fault, in accordance with article 32 of the Disciplinary Code for Public Officials.

Part III
Comments on the recommendations made by the Committee following its consideration of the Kingdom's previous report

163. The Kingdom of Saudi Arabia wishes to thank the Committee for its observations and emphasizes in this context that pain or suffering arising only from, inherent in or incidental to lawful sanctions is excluded from application of the provisions of the Convention, pursuant to article 1 thereof, and that all sanctions in the Kingdom are imposed in accordance with the provisions of its domestic laws, which are derived from Islamic sharia.

164. The recommendations made by the distinguished Committee (contained in document CAT/C/CR/28/5) following its consideration of the Kingdom's initial report will be addressed below.

The recommendation of the Committee, contained in paragraph 8 (a), that the Kingdom should expressly incorporate within its domestic law a crime of torture in terms that are consistent with article 1 of the Convention

165. The remarks appearing in the present report in the comment on the implementation of article 1 of the Convention comprise a comprehensive reply to this recommendation. The Kingdom refers to that comment in order to avoid repetition.

The recommendation of the Committee, contained in paragraph 8 (b), that the Kingdom should re-examine its imposition of corporal punishments, which are in breach of the Convention

166. The corporal punishments applied in the Kingdom stem from the implementation of the Basic Law of Governance, article 1 of which provides that the Constitution of the Kingdom is the Book of God and the Sunna of his Prophet, may God's blessings and peace be upon him. Those punishments are thus derived from the provisions of Islamic sharia and entail no breach thereof. Furthermore, article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment excludes from the application of its provisions pain or suffering arising only from, inherent in or incidental to lawful sanctions. It must also be emphasized that sentences of corporal punishment are handed down by the judicial authorities alone and are not enforced except pursuant to a final court judgement with res judicata effect. Hence, they are not in breach of the Convention.

The recommendation of the Committee, contained in paragraph 8 (c), that the Kingdom should ensure that its laws are in practice applied to all persons, regardless of nationality, gender, religious affiliation or other distinction, insofar as issues arising under the Convention are concerned

167. Laws are properly implemented in accordance with their provisions and are equally applied to all persons to whom they are applicable, regardless of any other consideration. Where any breach of that rule occurs in practice, the aggrieved party has the right to seek legal redress before the competent body. Recourse to judicial authorities is equally guaranteed to all by the laws of the Kingdom, proceeding from article 47 of the Basic Law of Governance, which provides that the right to seek judicial remedy is guaranteed equally to citizens and residents. With respect to judicial rulings, the judicial laws set out the categories of proceedings where any person may appeal against an initial ruling before the appellate court and may also thereafter contest the appeal ruling before the Supreme Court.

The recommendation of the Committee, contained in paragraph 8 (d), that the Kingdom should ensure that all places of detention or imprisonment conform to standards sufficient to guarantee that no person is thereby subjected to torture or cruel, inhuman or degrading treatment or punishment

168. The Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) is the entity with jurisdiction to order and extend pretrial detention for set periods that may not be exceeded, in accordance with the Code of Criminal Procedure. Once those periods end, the detainee must be immediately referred to the competent court or released. Bureau members perform their duties independently, in keeping with article 5 of the Bureau Act, and the prison supervision departments in the Bureau's branch offices conduct on-site supervisory visits to prisons and detention centres in order to inspect the conditions for prisoners and detainees. If the facilities are found to be in breach of the law, the legally required action is taken.

169. In giving effect to the provisions of the Convention, the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) updated the rules for the supervision and inspection of prisons and detention centres by adding new rules for handling complaints from prisoners and detainees about ill-treatment or torture. Special forms prepared for this purpose are used when a prisoner or detainee makes a complaint of ill-treatment, which is immediately investigated by a member of the Bureau. If the member sees that the inmate has visible injuries, he must contact the competent person to request that the inmate be transferred to hospital for examination and a medical report on his condition. He also records the details in a report attached to one of these forms, which is submitted to the supervisor or head of department for completion of the measures required by law in such cases.

170. In addition to the above, this report, in setting out the measures taken to implement articles 6, 7, 8, 9, 12, 13 and 16 of the Convention, has included those for guaranteeing the provision of an appropriate environment in prisons and detention centres, which ensure that inmates are not subjected to any form of torture or other cruel, inhuman and degrading treatment. The Kingdom refers to the description of those measures in order to avoid repetition.

The recommendation of the Committee, contained in paragraph 8 (e), that the Kingdom should ensure that its law and practice reflect the obligations imposed by article 3 of the Convention

171. The Kingdom notes that the paragraphs contained in this report on measures taken to implement article 3 of the Convention comprise a response to this recommendation and requests that reference be made to those paragraphs in order to avoid repetition.

The recommendation of the Committee, contained in paragraph 8 (f), that the Kingdom should ensure that all persons who have been victims of a violation of their rights under the Convention have access, in law as well as in practice, to the means of obtaining full redress, including compensation, and that the persons who may be responsible for such violations are promptly and impartially investigated, and thereupon punished

172. The paragraphs of this report concerning measures taken in the Kingdom to implement articles 13 and 14 of the Convention include references to legislative provisions and measures taken concerning cases involving the offence of torture, trial procedures for those having committed this offence, and measures guaranteeing the right of the victim to institute legal proceedings and obtain compensation. It is the Kingdom's hope that those paragraphs will be consulted with respect to this recommendation.

The recommendation of the Committee, contained in paragraph 8 (g), that the Kingdom should ensure that its Mutawe'en *officials exercise a clear and precise jurisdiction, in conformity with the Convention and other applicable rules of non-discrimination, in a manner regulated by law and subject to review by ordinary judicial authority*

173. The Kingdom wishes to state from the outset that there is no authority in the country by the name of "Mutawe'en". There is, however, an official body known as the Commission for the Promotion of Virtue and the Prevention of Vice, which performs its activities in accordance with the provisions of its statute. Promulgated in A.H. 1434 (A.D. 2013), this statute spells out the conditions to be satisfied by members of the Commission, its functions and jurisdictions, and the methods to be used in pursuit of its activities, in which regard it is subject to the provisions of Islamic sharia and the laws in force, in particular the Code of Criminal Procedure. As with all State officials, the provisions on disciplinary action and sanctions for public officials set forth in Royal Decree No. 43, promulgated in A.H. 1377 (A.D. 1958), are applicable to members of the Commission. The activities of the Commission are also subject to supervision by the competent judicial authorities.

174. In this respect, the jurisdictions of the Commission with respect to investigating suspects, determining penalties for infringements and enforcing prescribed penalties or penalties handed down by the courts in proceedings brought by the Commission, as provided for in its previous statute, promulgated in A.H. 1400 (A.D. 1980), were all removed upon promulgation of the Code of Criminal Procedure and the current statute of the Commission, promulgated in A.H. 1434 (A.D. 2013). It should furthermore be stressed that, as with all State officials, the provisions on disciplinary action and sanctions for public officials set forth in Royal Decree No. 43, promulgated in A.H. 1377 (A.D. 1958), are applicable to members of the Commission. The activities of the Commission are also subject to supervision by the competent judicial authorities.

The recommendation of the Committee, contained in paragraph 8 (h), that the Kingdom should ensure, in practice, that persons detained in custody are able to exercise prompt access to legal and medical expertise of choice, to family members and, in the case of foreign nationals, to consular personnel

175. The measures taken in the Kingdom to implement article 2 of the Convention include provisions preserving the right of prisoners and detainees to communicate with a person of their choice in order to inform such person of their detention. Measures for the implementation of article 16 of the Convention moreover refer to the right of a prisoner to be medically examined on his admission to a prison or detention centre and to undergo regular medical examinations.

176. Concerning aliens, on the basis of article 36, paragraph 2, of the Convention on Consular Relations of 1963, to which the Kingdom acceded in A.H. 1408 (A.D. 1988), consular personnel have the right to communicate with and have access to nationals of the sending State. The authorities in the Kingdom are also required to inform diplomatic and consular missions if a national of the sending State is committed to custody or detained. The exercise of this right by personnel of diplomatic and consular missions is in accordance with article 35, paragraph 2, of the said Convention, which states that the rights referred to in paragraph 1 of the article are to be exercised in conformity with the laws and regulations of the receiving State. A royal order promulgated in A.H. 1399 (A.D. 1979) stipulates that when any alien is detained, the embassy of his country must be informed, through diplomatic channels, of his name and full particulars, the place of and grounds for his detention, and the date of his trial. This procedure was mentioned earlier in the description of measures taken to implement articles 6, 7, 8 and 9 of the Convention.

The recommendation of the Committee, contained in paragraph 8 (i), that the Kingdom should ensure that the composition of the judiciary fully conforms to the standards imposed by the Basic Principles on the Independence of the Judiciary

177. As already stated in the course of describing the legislative measures adopted in the Kingdom for implementation of the provisions of the Convention and the action taken to implement article 2 thereof, the laws on the judiciary have been updated, together with the procedures followed for guaranteeing its independence and impartiality. These include in particular the provision in the Judiciary Act stating that judges are independent, that they are subject to no authority other than the provisions of Islamic sharia and the laws in force, that there can be no interference in decisions taken by judges, and that the principle of three levels of proceedings is enshrined.

The recommendation of the Committee, contained in paragraph 8 (j), that the Kingdom should ensure that its training of law enforcement personnel includes education and information on the recognition of the physical consequences of torture consistent with that provided to a number of its medical personnel, in accordance with article 10 of the Convention

178. In reviewing the efforts made and measures taken to implement article 10 of the Convention, this report includes detailed information on the training provided for law enforcement personnel, both before and after entry to service. The Kingdom refers to that information in order to avoid repetition.

The recommendation of the Committee, contained in paragraph 8 (k), that the Kingdom should adopt adequate measures to permit the creation of independent non-governmental organizations and the development of their activities in the area of the defence of human rights

179. The laws of the Kingdom guarantee the right to establish non-governmental organizations in all areas and specializations. There are large numbers of such organizations

in the country, among them organizations devoted specifically to the defence of human rights. Part I, section C, of this report, concerning newly established mechanisms for the protection and promotion of human rights, refers to the establishment of the National Society for Human Rights, which is a civil society organization involved in defending human rights and not subject to supervision or control by any government agency. Its objective is to work for the protection of human rights in conformity with the Basic Law of Governance, the laws in force and international human rights treaties and in cooperation with international human rights organizations, in accordance with its functions as provided for in its statute.

Annexes

Annex 1

Number of visits conducted by the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) to prisons and detention centres

No.	*Period*	*Number of visits*
1	A.H. 1424–1425/A.D. 2003–2004	22 055
2	A.H. 1425–1426/A.D. 2004–2005	28 503
3	A.H. 1426–1427/A.D. 2005–2006	33 207
4	A.H. 1427–1428/A.D. 2006–2007	33 692
5	A.H. 1428–1429/A.D. 2007–2008	33 552
6	A.H. 1428–1430/A.D. 2008–2009	33 222
7	A.H. 1430–1431/A.D. 2009–2010	35 986
8	A.H. 1431–1432/A.D. 2010–2011	50 609
9	A.H. 1432–1433/A.D. 2011–2012	35 053
10	A.H. 1433–1434/A.D. 2012–2013	40 264
11	A.H. 1/1/1434–30/6/1434 A.D. 15/11/2012–10/5/2013	18 552

Annex 2

Number of cases investigated during visits by the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions) to prisons and detention centres

No.	*Period*	*Number of cases investigated*
1	A.H. 1424–1425/A.D. 2003–2004	80 841
2	A.H. 1425–1426/A.D. 2004–2005	143 300
3	A.H. 1426–1427/A.D. 2005–2006	203 958
4	A.H. 1427–1428/A.D. 2006–2007	251 913
5	A.H. 1428–1429/A.D. 2007–2008	269 030
6	A.H. 1428–1430/A.D. 2008–2009	266 465
7	A.H. 1430–1431/A.D. 2009–2010	288 871
8	A.H. 1431–1432/A.D. 2010–2011	360 715
9	A.H. 1432–1433/A.D. 2011–2012	208 948
10	A.H. 1433–1434/A.D. 2012–2013	280 839
11	A.H. 1/1/1434–30/6/1434 A.D. 15/11/2012–10/5/2013	144 145

Annex 3

Number of judgements where enforcement was overseen by the Bureau of Investigation and Public Prosecution (Department of Public Prosecutions)

No.	*Period*	*Number of judgements*
1	A.H. 1424–1425/A.D. 2003–2004	18 667
2	A.H. 1425–1426/A.D. 2004–2005	16 061
3	A.H. 1426–1427/A.D. 2005–2006	31 794
4	A.H. 1427–1428/A.D. 2006–2007	30 000
5	A.H. 1428–1429/A.D. 2007–2008	35 055
6	A.H. 1428–1430/A.D. 2008–2009	15 179
7	A.H. 1430–1431/A.D. 2009–2010	23 798
8	A.H. 1431–1432/A.D. 2010–2011	22 446
9	A.H. 1432–1433/A.D. 2011–2012	26 788
10	A.H. 1433–1434/A.D. 2012–2013	27 210
11	A.H. 1/1/1434–30/6/1434 A.D. 15/11/2012–10/5/2013	11 989

Annex 4

Visits conducted by the Human Rights Commission to prisons and detention centres

Period	*Number of trials*
From the date when the Commission commenced its activities to the date of the preparation of this report	842

Annex 5

Trials attended by members of the Trial Observation Unit of the Human Rights Commission

Period	*Number of visits*
From the date of the establishment of the Unit in 2012 to the date of the preparation of this report	376

Annex 6

Visits by the National Society for Human Rights to prisons and detention centres

Period	*Number of visits*
From the date when the Society commenced its activities to the date of the preparation of this report	119

Annex 7

Visits by diplomatic bodies and international delegations to prisons and detention centres

Period	*Number of visits*
From the date of the submission of the initial report to the date of the preparation of this report	74

Annex 8

Victims of trafficking in persons offences in the Kingdom

No.	*Type of case*	*Number of victims*
1	Sexual exploitation	45
2	Forced labour	2
3	Begging	3
4	**Total**	**50**

Annex 9

Sentences handed down in proceedings involving acts of ill-treatment committed in public office, abuse of authority, exploitation of official influence or use of violence and force in cases investigated and referred to the Board of Grievances

Period	*Number of sentences*
From A.H. 1423 (A.D. 2002) to A.H. 1432 (A.D. 2011)	1 533

Sentences included imprisonment or a fine, or both. Prison sentences ranged from 15 days to 8 years, while fines ranged from 1,000 to 20,000 riyals.

Annex 10

Sentences handed down to persons convicted (traffickers) of trafficking in persons offences in the Kingdom

Year of sentence	*Number of persons*	*Penalty*
2010	3	Imprisonment for terms ranging from 1 year and 8 months to 3 years
2011	27	Imprisonment for terms ranging from 3 months to 8 years and a fine ranging from 3,000 to 20,000 riyals
2012	2	Imprisonment for terms ranging from 10 months to 4 years